

Office of the Standing Chapter 13 Trustee  
125 E John Carpenter Freeway  
Suite 1100 11th Floor  
Irving, TX 75062  
(214) 855-9200

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**IN RE:  
ERVIN FRANK LAYER  
DEBTOR**

**CASE NO: 17-32670-HDH-13**

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**TRUSTEE'S OBJECTION TO CONFIRMATION**

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Now comes the Standing Chapter 13 Trustee herein and filed this "Objection to Confirmation" of the Plan filed herein by Debtor, and would respectfully show the Court as follows:

The Plan as filed pays 0.00% to unsecured creditors. This is less than they would receive in Chapter 7 liquidation. The Plan therefore fails to meet the requirement of 11 U.S.C. Section 1325(a)(4) of the Bankruptcy Code. In a Chapter 7 liquidation, unsecured creditors would receive at least 100%, computed as follows: debtor testified he had approximately \$4421 in accounts receivable on the date of filing his petition for Chapter 13.

The Debtor(s) will not be able to make all payments under the Plan and comply with the Plan, (i.e., it is not "feasible") per 11 U.S.C. Section 1325(a)(6), because: the trustee requests updated P&L's on debtor's business (including any expenses for the business).

Debtor(s) has/have not filed all applicable Federal, State, and local tax returns as required by U.S.C. Section 1308. The debtor has not provided the 2015 and 2016 tax returns to the Trustee.

The trustee requests an amended plan to correct the conduit payments to Bayview.

WHEREFORE, the Standing Chapter 13 Trustee prays that said Plan not be Confirmed unless and until it has been modified to cure all objections set forth herein above, and for general relief.

Respectfully submitted,  
THOMAS D. POWERS, CHAPTER 13 TRUSTEE

By: /s/ Tara Tankersley

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**Trustee's Objection To Confirmation, Page 2**

**Case # 17-32670-HDH-13**

**ERVIN FRANK LAYER**

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**ERVIN FRANK LAYER**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing **Trustee's Objection To Confirmation** was served on the following parties at the addresses listed below by United States First Class Mail and/or by electronic service.

Debtor: ERVIN FRANK LAYER, 9814 FAIRCREST DRIVE, DALLAS, TX 75238

Attorney: ALLMAND LAW FIRM PC, 860 AIRPORT FREEWAY SUITE 401, HURST, TX 76054\*\*

Creditor(s): COUNTY OF DALLAS, CO LINEBARGER GOGGAN BLAIR ET AL, 2777 N STEMMONS FWY STE 1000, DALLAS, TX 75207\*\*

Creditor(s): COURY JACOCKS, 2201 W ROYAL LANE SUITE 155, IRVING, TX 75063\*\*

Creditor(s): PERDUE BRANDON ET AL, 500 E BORDER STREET SUITE 640, ARLINGTON, TX 76010\*\*

\*\*Indicates party has elected to receive all notifications via electronic service and was not served a copy via United States First Class Mail.

Dated: September 07, 2017

By: /s/ Tara Tankersley